

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

In the Matter of:

Jason Zornes,

Petitioner

22-VH-0117-AG-081

721013188

November 7, 2023

ORDER OF DISMISSAL

24 C.F.R. § 26.4 (c) provides that “If a party refuses or fails to comply with an order of the hearing officer, including an order compelling discovery, the hearing officer may enter any appropriate order necessary to the disposition of the hearing *including a determination against the noncomplying party...*” Further, under 24 C.F.R. § 26.4 (d), it provides, “If a party fails to prosecute or defend an action brought under subpart A of this part, the hearing officer may dismiss the action or may issue an initial decision against the non-prosecuting or defending party. (Emphasis added).

On February 23, 2022, Petitioner filed a *Request for Hearing* to review HUD’s determination that Petitioner owed the subject debt. There is no record of evidence in support of Petitioner’s claim that the subject debt was not owed or was paid off, or that Petitioner was released from the contractual obligation to pay the subject debt. To date, Petitioner has failed to comply with any of the Court’s *Orders* on March 23, 2022, October 26, 2022, an *Extension Granted* on December 14, 2022, and an Order to Show Cause issued on March 8, 2023, to produce sufficient evidence to prove HUD issued Petitioner a written release from the subject debt.

The *Order to Show Cause* issued by the Court to Petitioner on March 8, 2023 specifically stated “Failure to comply with this Order may result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4(c)-(d), including judgment entered on behalf of the opposing party, dismissal of this action, or a decision based on the documents in the record of this proceeding. Non-compliance, and timeliness of the same, shall be determined based on the Court’s assessment of the record of the proceeding. (Emphasis added). Petitioner again failed to comply as ordered. The lapse of time since February 2022 has provided Petitioner with a number of opportunities, including an extension, to comply with the Court’s *Orders* but without compliance. As a result, the Court is unable to determine the credibility of Petitioner’s argument in the absence of such evidence.

Consistent with the provisions of 24 C.F.R. § 26.4 (c) and (d), Petitioner’s appeal is **DISMISSED WITH PREJUDICE** *sua sponte* due to Petitioner’s non-compliance with the Court’s *Orders* to produce the necessary evidence for the Court’s review.

The stay of proceeding issued on March 23, 2022 is hereby **VACATED**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Vanessa L. Hall', is written over a horizontal line.

Vanessa L. Hall

Administrative Judge